

a) With respect to the tamper deterrent feature, amendment has been made to the claims to more specifically recite covering structure adjacent to the detent for substantially preventing access to the detent by an unaided hand and apertured for admitting a tool into engagement with the detent for displacing the detent out of an engaged condition so as to release the hinge for pivotal movement. This amendment has been made in both independent Claims 18 and 26. It is submitted that no prior art of record either teaches or suggests such protective structure operative for limiting access to a detent on an orthopedic hinge but allowing access through a restricted aperture by means of a suitably chosen tool, for example, the end of a ball point pen or the like, by a therapist for making adjustments to the orthopedic hinge.

This feature is particularly significant in the combination of Claim 8 which allows the hinge to swing either forward or backwards for ambidextrous use. If such a hinge is applied to the knee joint of a patient and is accidentally or intentionally released by the patient, an injured or post-operative knee joint which requires external support could be seriously injured.

Allowance of Claim 1 in the previous Office action is indicative that the Examiner considers such protection of the detent against displacement by an unaided hand to be a novel and patentable feature over the art of record.

b) With regard to the directional markings on the adjustment wheels of the hinge in Claims 27, 28, 29, 30 and newly added independent Claim 38, 39 amendment has been made to specify that the directional marking is applied to a radially extending tab on each of the adjustment wheels, and that the directional marking is in the nature of a directional arrow marking.

The Examiner has relied on a combination of Bennett et al. '847, Davis et al. and Bloedau in rejecting applicant's claim to the directionally marked wheels. Issue is respectfully taken with the Examiner's position in this regard. The Bennett patent does not show any directional markings on tabs 38, 40, which only have index marks to assist in aligning the tab with angular position markings 15 on the hinge. No assistance is given to the therapist in this reference with regard to the direction of adjustment of the wheels.


No other support is provided for the Examiner's view that directional tabs were previously known. No prior art of record shows an orthopedic hinge with two adjustment wheels which need to be turned in mutually opposite directions in order to set a range of movement for the hinge, and where the adjustment wheels are marked with directional indicators such as arrows in order to assist and facilitate the adjustment task by the therapist. It is respectfully submitted that, as amended, Claims 27, 29 and new Claim 38 are allowable over the art of record.

The Newly Added Dependent Claims

Newly added dependent Claims 33-37 elaborate on the particulars of the locking element in Claims 18 and 22. Comparable Claims 23-25 have been previously allowed and the new dependent claims are also believed to be in condition for immediate allowance.

Review and reconsideration of the application in light of the foregoing remarks and accompanying amendments is respectfully requested. As now amended, all claims are believed to be in condition for immediate allowance. A Notice of Allowability is believed to be in order, and such action is earnestly solicited.

Respectfully submitted,

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